

[27th July 1953]

IV.—GOVERNMENT BILL.

THE ANDHRA STATE BILL, 1953—*cont.**Seventh Schedule.*

* SRI C. RAJAM RAMASWAMI :—“ Mr. Speaker, Sir, I wish to make a submission. We have passed certain resolutions relating to the Seventh Schedule in regard to the apportionment of assets and liabilities. In sub-paragraph (5) of paragraph 12 of the Schedule, there is a provision for compensating the new Andhra State to the extent of 2.30 crores (two hundred and thirty lakhs of rupees) towards the cost of construction of new Capital and for compensating what is said to have been lost by the Andhras by reason of their losing Madras City. This provision is very different to the resolutions already adopted in regard to assets and liabilities. What is proposed Sir, is only an ex-gratia payment to the new Andhra State to build its Capital and the residuary State has been called upon to pay this sum. Therefore, Sir, I submit that this provision of the Seventh Schedule should be considered and this Assembly should express an opinion on it for the guidance of the Central Government. I have tabled an amendment suggesting the deletion of this sub-clause. Similar amendments have been given notice of by other Members. I request you, therefore, Sir, to take this up.”

MR. SPEAKER :—“ If the hon. Member wants to move the amendment, I have no objection.”

SRI C. RAJAM RAMASWAMI :—“ Sir, I move—

‘ 251 *In the Seventh Schedule, sub-paragraph (5) of paragraph 12 shall be deleted.*’ ”

The amendment was duly seconded.

* SRI T. VISWANATHAM :—“ Sir, may I submit that the provision of a sum to the Andhra State as a compensation for the relative shortage of buildings is covered by the two resolutions with regard to the division of assets and liabilities already passed by this House? This also will be one of the questions which will be taken into consideration by the Commission. In fact, we also could have suggested amendments. When we passed those resolutions, we thought that whether the sum should be one crore, two crores, eight crores or ten crores should be left over to the expert commission, which will take all things into consideration and make the apportionment. Even the provision made in the Seventh Schedule is made having regard to certain considerations. I submit that this is covered by the two resolutions already passed and I do not think it will be right for us to reopen matters day after day like this.”

SRI T. NAGI REDDI :—“ If we take up one particular provision after the passage of the two resolutions by this House, I think there will be a demand for taking up so many other provisions also. On the question of buildings itself, so many amendments have been tabled.”

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* SRI C. RAJAM RAMASWAMI :—“ Sir, I do not agree with the arguments put forward by Messrs. Viswanatham and T. Nagi Reddi. This provision for the payment of compensation of Rs. 2-30 crores has been introduced in the Seventh Schedule, probably based on the recommendation of Justice Wanchoo. It is wrong and incorrect to claim any compensation in respect of buildings in Madras City. The residuary State is being asked to pay nearly 2-30 crores. The rights of the citizens of Madras and the people of the residuary State must be considered before any decision is taken.”

SRI T. N. VENKATASUBBA REDDI :—“ I do not know, 9-40
Sir, wherefrom Mr. Ramaswami got the idea that it refers to a.m.
the City of Madras. It is not stated there. It refers to buildings all over the State. I think he has misunderstood the provision. This is one of the provisions in the Seventh Schedule. If we take up his amendment, we will have to take up the entire schedule and recast it.”

* SRI T. VISWANATHAM :—“ Sir, there was a point in our opposing this amendment. The point was that we must have an over-all picture of the situation in the division of assets and liabilities or giving a set-off. If we take it bit by bit the over-all picture would be lost. We will have a lop-sided opinion on this side or that side. Suppose certain equitable considerations prevail in regard to clause 12 of the Seventh Schedule, then this particular clause might receive a particular treatment. Suppose on the other hand this clause receives another kind of treatment, the figure in the clause would change. Therefore, all the questions must be taken together. There is no point in taking items one after another. That is why, we submitted that the whole matter should be referred to a committee, which taking all factors into consideration, might make an equitable distribution and give an equitable set-off. That is the reason why we oppose re-opening this matter not merely on technical grounds but also on grounds of commonsense.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, this is a general question. We must examine this from the general point of view. I wonder if Mr. Viswanatham is practising in courts now. He has a special way of pleading. I very well see that. I was watching the discussion on division of assets and liabilities and it appeared to me at that time that they wanted not to go into the principles but to leave the whole question—not only minor details but the very basic principles of the division of assets and liabilities—to a committee to be appointed. That resolution was carried, as has been mentioned. But the present question, as far as it appears to me, on the face of it, is a creation of a new liability—not a division of existing liabilities or existing assets. It is a creation of a new liability in the name of set-off or compensation. It is imposed upon the whole of the residuary State. I think it is a basic question which is not covered by reference to an expert committee for the division of

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assets and liabilities. I can understand the division of assets and liabilities being made by an expert committee. But the question whether help to the Andhra Government to build its own new Capital should be given by the Government of India or should be imposed as a liability on the residuary State, is a slightly different question. I do not mind the whole thing being postponed. The question is that they (the Government of India) have asked us to give our opinion. Are we to give no opinion on this vital matter practically leaving the entire thing to a commission to be appointed?"

SRI T. VISWANATHAM:—"I am sorry, Sir, I cannot agree with the Hon. the Chief Minister. He really ought not to have (though he has a perfect right to do so) intervened. He need not have intervened at this stage."

THE HON. SRI C. RAJAGOPALACHARI:—"This seems to me to be a different question."

* SRI T. VISWANATHAM:—"Sir, the Hon. the Chief Minister says that this is a new liability, and the Government must come to the Legislature for an opinion whether the Government of India should bear the burden or whether the Madras State should bear the burden. May I refer him respectfully to the provisions of the Sind Order and Orissa Order? The committee for apportioning the share of burden decided the shares. It was the committee that decided who should bear which burden. You will find in the Orissa Order that the burden was apportioned between Orissa and India. In the Sind Order you will find 'this is the burden of the Government of India; this is the burden of Sind, and this is the burden of Bombay'. A committee was appointed before, and then certain decisions were taken. Those decisions were embodied in the order. That was the spirit in which we said that all these matters should be referred to a commission. We have already passed two resolutions. To-day, if we say that this is a new liability upon the residuary State, I am sorry I cannot agree to that. It is part of the liability and part of the asset. If you read sub-clause (5), you will find the following words, 'In order to compensate the State of Andhra finally for its relatively smaller share of buildings its share in the liability on account of debt to be apportioned between the States of Andhra and Madras . . .'. This has got a direct relation to the division of assets and liabilities. It is not as if it is a new matter. I do not think, Sir, I can make matters more clear. The language is clear. The intention is clear. The decision of the House taken on the two previous resolutions has made matters very clear. Therefore, I would request the Chief Minister not to introduce unnecessary complications now."

* THE HON. SRI C. SUBRAMANIAM:—"Sir, if the matter had stopped with the first resolution, and we passed that resolution that the Finance Commission should go into the matter and decide the whole division of assets and liabilities, perhaps, the

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arguments advanced by Mr. Viswanatham may be a little bit valid. But unfortunately we did not stop there. We went further and expressed an opinion that there should be a division of all assets and liabilities according to the population ratio. That is contained in amendment No. 126. In moving and explaining that amendment, Mr. Hanumantha Rao made it clear that that would not apply to buildings and institutions in the City, and that in regard to the question of Capital, a different principle would apply. As a matter of fact, when we discussed amendment No. 126, I was inclined to think that that would not cover the entire assets and liabilities. Even the hon. Member Mr. Hanumantha Rao wanted to exclude buildings in regard to compensation. Apart from all these things, paragraph 12 (5) is a very important one in regard to payment of compensation. I will straightway answer my friend that this clause refers to all buildings. After all, this figure of Rs. 230.4 lakhs is arrived at from Mr. Justice Wanchoo's formula. Mr. Justice Wanchoo has taken this from the Partition Committee's report. The Partition Committee's report refers only to buildings in the City. That is why the hon. Member Mr. Ramaswami is right in referring to buildings in the City. It is not as if something new is stated to-day. This has got something to do with Mr. Justice Wanchoo's recommendation. Therefore, I think this should be discussed, and our view should be expressed."

* SRI T. VISWANATHAM:—"Sir, without entering into any dispute, I must say that if this was their view, they should have raised objection when we were discussing the general proposition with reference to the appointment of a committee or on the one to decide matters on the population basis. When the two concerned resolutions were discussed, neither the Leader of the House nor the Hon. the Chief Minister nor Mr. Ramaswami stated 'this must be excluded from our discussion'. We had no notice that this amendment would now be moved. All of a sudden, we are asked to re-open a matter which was decided, not once but twice. I submit to you, Sir, with all respect that we must pay some regard to the rules of procedure that are followed here."

MR. SPEAKER:—"The hon. Member Mr. Ramaswami wants to explain."

* SRI T. VISWANATHAM:—"This is not a different question. We made a reference to the Seventh Schedule, and then the resolution was passed. This will be very clearly seen, Sir, if you see the language used in amendment No. 114. The words used there are 'assets and liabilities dealt with in the Seventh Schedule'. The objection now raised could have been raised then. It was open to them to raise this objection. They did not."

MR. SPEAKER:—"They want to take this as a separate resolution."

SRI T. VISWANATHAM:—"How can they take it so? Are we not to follow the procedure, here?"

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MR. SPEAKER :—“ If they want, they can take it as a separate resolution.”

SRI T. VISWANATHAM :—“ I object to this, Sir. After this is over, can I also come with another request saying ‘ let me deal with clause 3 as a separate proposition ’. It is wrong to do so. We must follow some procedure. That is why I said, Sir, . . . assets and liabilities dealt with in the Seventh Schedule ’. It is because I wanted to have an over all picture so that all matters can be considered. It is only when we consider all matters in one complete set, we will understand whether the provisions of lump sums or of proportions are large or small. Then only we can come to the conclusion that this is a large or small matter. In the over-all picture before the Commission, the Commission may increase or decrease the figure, if they think it necessary. The whole matter is left to the Commission. We passed the resolution, not once but twice. The Commission has got to come. We discussed this resolution two days before. Now on the third day, if an hon. Member should say ‘ we shall re-open the matter,’ I say it is very clearly out of order. This is not a different proposition, because this proposition is . . . (Interruption.) I cannot enter into any further dispute. If I have not convinced you or the Hon. Minister so far, I cannot convince him or you by any further arguments.”

MR. SPEAKER :—“ The hon. Member Mr. Nagi Reddi will now speak, and then I will put this question to vote.”

9-50
a.m.

* SRI T. NAGI REDDI :—“ If this is to be taken into consideration, I believe there are a number of other things also in this Bill which have to be reconsidered. For example, there is the question of pension.”

THE HON. SRI C. RAJAGOPALACHARI :—“ We are discussing the question of liabilities and their division.”

SRI T. NAGI REDDI :—“ Here also it is a question of division of liabilities.”

THE HON. SRI C. SUBRAMANIAM :—“ If the hon. Member wants to raise any other question, we shall consider it later.”

SRI T. NAGI REDDI :—“ Let us go clause by clause into the Schedule.”

MR. SPEAKER :—“ Whatever the hon. Member wants to be taken up, we shall take up later.”

* SRI T. NAGI REDDI :—“ I would like the Seventh Schedule to be taken up from the beginning, because when we go into a particular item in the Schedule, we must remember that there are other portions also on the basis of which allocations of assets and liabilities have been made. Therefore, when we consider one particular question, we have to consider the other questions also. Otherwise, it will be unnecessary and unreasonable to consider any item in the Seventh Schedule, because

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we have already passed a Resolution stating that the whole question should be decided by a Financial Commission. If it is a question of discussing any particular issue, let us go step by step. Let us go clause by clause and decide the whole question. Every clause, however small it may be, is based on the previous clause and, therefore, the whole thing should be considered together. There is no question of saying that each clause is separate by itself. That is exactly what should not be the case. That is why I said in the whole of my speeches on Saturday that if we were to take up one clause, we should take up all clauses. Otherwise, we should leave the whole question to a Financial Commission. If it is a question that a particular clause should be deleted, then the Financial Commission should be approached. If it is a question that I should have Rs. 100 crores, then I should go to the Financial Commission. If we were to discuss the whole thing, then we should be discussing the whole basis of the division of assets and liabilities. Then only we will arrive at the proper basis for the decision whether we should have Rs. 2 crores, or Rs. 3 crores, or Rs. 10 crores. It is not simply based on air. Hence, I would say that this question be discussed in full or be left to the Financial Commission."

THE HON. SRI C. SUBRAMANIAM :—"Whether the Financial Commission is going to come or not is quite a different thing altogether. It is a question for Parliament to decide. But here the Assembly will not be doing its duty if it does not express its opinion on such an important clause as this. I respectfully submit this should be discussed, our views expressed on it and a decision taken."

MR. SPEAKER :—"After finishing this, we shall take up other questions."

* SRI T. NAGI REDDI :—"The Hon. Sri Subramaniam has said that we do not know whether the Financial Commission is going to come or not. That is a different matter. I also do not know whether the Financial Commission is going to come or not. If we are to consider the matter in that light, then is it not in the interests of the House that, when we are doubtful whether the Financial Commission is going to come or not, we should sit and discuss the whole of the Seventh Schedule, clause by clause? If we are to proceed in that particular argumentative manner, then it becomes very essential for every Member of this House to get at as many facts as possible regarding the items mentioned in the Schedule so that we may consider the Seventh Schedule as a whole. I submit, Sir, if we are to consider this matter, then we should have much more time than what we have got. Every clause is an important clause. We are going to decide the fate of certain people and we are going to divide the State. We will have to decide it on the basis of certain facts and not in the air. My contention is that if we are to go into one part of the Seventh Schedule, it becomes essential for us to go into the whole of the Schedule."

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SRI PILLALAMARRI VENKATESWARLU :—“ The point is this. We have discussed the Seventh Schedule and taken a decision by means of the Resolution of the hon. Member Sri Viswanatham that was passed. If we were to accept the contention of the Hon. Sri Subramaniam, it means that we begin to reopen the whole question. Then what about the Resolution which we have already passed? How is it consistent with our discussion here? ”

MR. SPEAKER :—“ This is a separate entity.”

SRI PILLALAMARRI VENKATESWARLU :—“ It is not so, Sir. It has some relation to the Seventh Schedule. That Schedule was disposed of the other day. How can we take it up again? ”

THE HON. SRI C. SUBRAMANIAM :—“ Anyhow, the Speaker has allowed the Resolution. The only question is whether any other question should be taken up. If it is raised properly, we shall discuss it.”

SRI V. R. NAGARAJAN :—“ On a point of order, Sir. I beg to point out that any discussion on the Seventh Schedule which is purely an appendage to clause 46 will be totally irrelevant. I beseech the Chair to overrule any discussion on that because it is not at all relevant, having been superseded by the Resolution of the hon. Member Sri Viswanatham which has been carried.”

MR. SPEAKER :—“ This is a separate entity. Let the House give a verdict on it.”

*** SRI T. VISWANATHAM :—**“ The point is whether we should not follow certain rules of procedure. I am submitting to you, Sir, it is not a matter of accommodating me or Sri Nagi Reddi by saying, ‘ If I allow this, I shall allow that also.’ But, do we follow any procedure? Shall you say that the matter has been closed? Or, shall you say, ‘ I will allow you also?’ If you should say the latter, then where is the end to all these discussions. What is our programme? Members must have a reasonable expectation of what is going to happen and what is not going to happen. I mentioned in my resolution all the matters dealt with in the Seventh Schedule. Therefore, this discussion should not be allowed again to-day. I appeal to the Chair that it should not be allowed. There is no question of accommodating me or anybody else. But we must accommodate the rules of procedure. We must follow some procedure, and we must have a reasonable expectation of what is likely to come up and what is not likely to come up. The present one is not a different matter at all from what we have discussed. We raised the point of shortage of an asset in a particular State. To meet that point, provision has been made that a certain amount will be specially allotted. It was this Government that included that particular clause in the particular Schedule. To-day to say that it does not form part of assets and liabilities is somewhat strange. It is very wrong of them to say

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so. It is doing us in the eye at an unexpected moment. I strongly protest against this matter being reopened and I submit it is out of order."

* SRI M. HANUMANTHA RAO :—" Sir, apart from the technicality of the whole thing, I would like to remind the Hon. the Chief Minister in this connection about the understanding we had when we were discussing the Capital issue the other day. I made a suggestion to the Chair and the Hon. the Chief Minister also made a suggestion that the Seventh Schedule need not be taken up and that the Capital issue could be separated from that and discussed. On this understanding, the entire House discussed the Capital issue. Now to bring it again before the House is not proper. Only on the understanding that discussion on the Seventh Schedule was closed, we discussed the Capital issue. When the understanding was like that, to reopen the question is not proper. I hope the Hon. the Chief Minister will agree to my suggestion."

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, the only consideration urged by the hon. Member Sri Hanumantha Rao is this. Because we took up the question where the Capital should be, he infers that there was an understanding at that time that no other question unconnected with the Capital and connected with moneys should be considered. I am not aware of any such understanding. If my memory is wrong, we might look up the papers and the statements made. The fact that the Capital issue was an important question weighed with us in saying that it should be examined. We did not negatively rule out by that process all other matters, even if important. That would be a wrong construction put on what was said. 10 a.m.

" Apart from all that, I am sorry that so much heat has been generated merely on a matter of technicality on which the Chair should finally give a ruling. On the merits, I would appeal to hon. Members, apart from the question of technicality, to consider this. The whole question was considered complicated because it was a question of division of assets and liabilities. On the ground of its being a complicated matter fit for expert opinion—although we might differ and hold a different opinion as to who should give final orders, whether it should be Parliament or a Commission—it was considered that it was a matter eminently fit for examination by a Committee. We should interpret the resolution of the House on that basis. There was a difference of opinion and there was a majority vote on the question whether the Commission's order should be final in the matter and whether Parliament should have nothing to do with it. So far as that question goes, it is closed.

" Then, the Opposition went further and notwithstanding the previously passed resolution that the question of the division of assets and liabilities should be referred to a Commission, notwithstanding the definite opinion that had already been reached, they discussed the question fully and elaborately and wanted a decision of the House, and opinions were taken from all view-points as to

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whether the assets and liabilities should be distributed on a population basis. Now, the Opposition has had the advantage of not only getting a vote on the question of appointment of a Commission to decide all principles but a further decision that the Commission should accept a principle, namely, that the assets and liabilities should be divided on population basis. Now, if that most important deviation from a reference to the Commission as a whole would be legitimate, surely a question which has nothing to do with the existing liabilities is also a matter for consideration.

"Member after Member rose and said, 'You may go to the Commission and argue the matter.' There is no question of argument; the Assembly cannot go to the Commission and argue the matter. Evidence may be taken by the Commission, not by the Assembly. The Bill has been referred for the opinion of the Assembly on various matters. The view has been expressed that the question of division of assets and liabilities should be referred to a Commission. Does it debar the Assembly from giving an opinion on the provision in the Bill that the construction of a new Capital for the Andhra State, in place of Madras, which has been the Capital of the State as a whole, should be a charge upon the residuary State to a certain extent? Has the Assembly no right to express a view on that point? I submit, Sir, on merits it is certainly an important matter. The Commission would say, 'What is it that we should do? What is the view of the Assembly on this matter?' Should we keep the Commission in a vacuum, when it should come to operate, on a matter which is not at all included in the question of division of assets and liabilities? As to the manner in which the division should be made, it has been decided that it should be on a population basis. The hon. Member Sri Viswanatham referred to a previous division where the capital liability was laid on the residuary State in respect of building of a Capital, without reference to the Legislature. There was no question of Legislature then."

* SRI T. VISWANATHAM :—"The matter was not taken to the Legislature. It was taken to a Commission and then the Governor-General passed an Order. That was a most reasonable thing."

"The Hon. the Chief Minister said that this was a new liability. I submit it is a question concerning assets. What is an asset to one will not be an asset to another. Therefore, in order to compensate the other party, certain amount has been provided. I think we have made our position, in substance as also on technical grounds, very clear. If, in spite of this, you, Sir, are pleased to allow a discussion upon this, all that I can say is that, without any sense of disrespect to the Chair, I and those of us who are thinking along with me will not participate in the debate upon this question."

MR. SPEAKER :—"I have allowed this motion."

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* SRI T. NAGI REDDI :—“ Sir, I also would make my position clear. I have said a number of times that we could not go through the whole question unless we possess certain facts and unless there is a Committee. The House having accepted the two major principles on which we should go through the whole question, the position as it exists now is as per the resolution of Sri Viswanatham. Therefore, we too agree with Sri Viswanatham, and refuse to participate in this debate.”

[At this stage, all the Andhra Members and a large number of Members of the United Democratic Front and Praja Socialists walked out of the House.]

* SRI C. RAJAM RAMASWAMI :—“ Sir, I feel there is considerable confusion on this issue. The Resolution passed by the Assembly reads as follows :—

‘ This Assembly is of the opinion that all types of assets and liabilities, unissued stores, articles, goods and various funds including depreciation reserve funds be divided between Madras, Andhra and Mysore States in proportion to the population of Madras and Andhra States and of the territory transferred to Mysore State.’

“ This Resolution relates to the division of assets and liabilities in proportion to the population. There is no reference at all to the question of payment of any compensation in respect of the buildings in the City of Madras, or for the construction of a new capital for the New Andhra State. Any *ex gratia* payment to the New Andhra State, cannot be a liability of the residuary State. Mr. Justice Wanchoo says in his Report (paragraph 89, page 33)—

‘ The Partition Committee provided for a lump-sum adjustment of 1 crore rupees for the new State in order to compensate it for buildings in Madras City which are being used for all State purposes. The manner in which the provision was made in the assets and liabilities statement which has been copied in Annexure IV, has deprived the New State of Rs. 36 lakhs out of this, and that will have to be corrected. It appears that the book value of buildings in Madras City which served the whole State is Rs. 320.24 lakhs. This figure should also be doubled in order to arrive at a fair value of these buildings for purposes of adjustment. The value would thus come to Rs. 640.48 lakhs and the share of the New State would come to Rs. 230.4 lakhs.’

Sir, the whole basis of Justice Wanchoo's recommendation is arbitrary and there is no reality about it. The people of Madras are being asked to pay for building the new Capital of the Andhra State. I think it is wrong. If we are to analyse the list of buildings that have been tabulated on page 97 of the book, ‘ Formation of Andhra Province ’, we will find that the assets in Madras City have been divided into three categories, A, B and C—

A—Buildings serving Provincial common needs, such as High Court Buildings.

B—Important Residential Buildings like Adyar House, Presidency Hostel.

C—Specialized Institutions like Government Museum, Law College.”

SRI C. PULLA REDDI :—“ I want to know whether the Chair has given its decision on this question.”

MR. SPEAKER :—“ I have given my decision and the hon. Member has been allowed to speak.”

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* SRI C. RAJAM RAMASWAMI :—“ In view of what I have said, I feel justified in reopening this question and all Members should express their opinion as to whether any compensation should at all be paid in respect of the buildings in Madras City. A number of common buildings used for administrative purposes in Madras City have been built out of the surplus funds available from Madras City itself and not out of any surplus arising from the Andhra area. Moreover most of these buildings came into existence in the days of the John Company and the Nawabs of Carnatic, i.e., long before the Circars or the Rayalaseema were added on to the Presidency of Madras. By no stretch of imagination can it be assumed that any of the buildings in Madras City were built with Andhra money. Therefore, there is no justice at all in paying any compensation much less an *ex-gratia* payment.”

SRI K. T. KOSALRAM :—“ Mr. Speaker, Sir, இந்த காம்பன் சேஷன் எஞ்சியுள்ள சென்னை ராஜ்யம் கொடுக்கப்படவேண்டியது அவசியமா என்பதைப்பற்றிய விதிக்கு நானும் ஒரு திருத்தம், அதாவது 12-வது பாரகிராப்புக்கு, அதை எடுத்து விடவேண்டும் என்று, கொடுத்திருக்கிறேன். இந்தத் திருத்தம் அவசியமா அல்லது அவசியம் இல்லையா என்பதைப்பற்றி கனம் டி. விசுவநாதம் அவர்களும் இன்னும் மற்ற கம்யூனிஸ்ட் நண்பர்களும் பேசினார்கள். ஆனால் ஒரு தீர்மானத்தை பாஸ் பண்ணிவிட்டால் ”

SRI B. KRISHNAMOORTHY ROW :—“ On a point of order.”

MR. SPEAKER :—“ There is no point of order.”

SRI K. T. KOSALRAM :—“ Sir, இந்த மசோதாவின் ஒவ்வொரு பாரகிராப்பையும் நாம் தீர்மானிக்க வேண்டிய அதிகாரம் இந்த சபைக்கு இருக்கிறது. இந்த சபைக்கு இருக்கின்ற அதிகாரத்தை இந்த சபைக்கு அதிகாரம் இல்லாமல் செய்யவேண்டும் என்று சொல்லுகின்ற வாத்தத்தை கனம் சபாநாயகர் ஏற்றுக்கொள்ளாததற்கு சபையின் சார்பாக நான் அவருக்கு நன்றி செலுத்துகிறேன். இந்த காம்பென்சேஷன் கொடுக்கவேண்டும் என்று இதற்கு முன்னால் கனம் பிரகாசம் அவர்கள் இருந்த பார்ட்டிஷன் கமிட்டியில் ஒரு கோடி ரூபாய் மட்டும் தான் கொடுக்க வேண்டும் என்று சொன்னதை அந்த மந்திரி சபை போட்டிருக்கிறது. அதை அனுசரித்து ஸ்ரீ வாஞ்சனின் ரிப்போர்ட்டில் கூட ஒரு கோடி ரூபாய் தான் கொடுக்கவேண்டும் என்று இருக்கிறது. ஆனால் இந்த மசோதாவில் இரண்டு கோடி 35 லட்சம் ரூபாய் கொடுக்கவேண்டும் என்று போட்டிருப்பது கூடாது என்றதான் சொல்லுகிறார்கள். கனம் பிரகாசம் பேசும்போது எஞ்சியுள்ள சென்னை யாருக்கும் சொந்தம் இல்லை என்று சொன்னார். எஞ்சியுள்ள சென்னை என்பது தமிழர்களுக்கு மட்டும் அல்ல என்பதை அவர்கள் சொல்வது மட்டும் அல்ல, நானும் சொல்லுகிறேன், சென்னை எல்லோருக்கும் சொந்தமானது. பிரகாசம் சென்னை நகரில் இப்பொழுது இருக்கிறார். அவரை இங்கு வைத்துக்கொள்வதற்கும் நாங்கள் தயாராக இருக்கிறோம். ஆனால் எஞ்சியுள்ள சென்னை காம்பன்சேஷன் கொடுக்க வேண்டும் என்று சொல்வதைமட்டும் நாங்கள் ஒத்துக்கொள்ளமாட்டோம். இங்கு வெள்ளைக்காரர்கள் கம்பெனியால் கட்டிய கட்டடங்கள் எல்லாம் அப்படியே இருக்கின்றன. அவைகளுதான் அதிகமாக இருக்கின்றன. இவைகளுக்கு காம்பென்சேஷன் கொடுக்கவேண்டுமென்றால் அதற்கெல்லாம் மத்திய அரசாங்கம்தான் கொடுக்கவேண்டும். அப்படி இல்லாமல் எஞ்சியுள்ள சென்னை ராஜ்யம்தான் கொடுக்கவேண்டும் என்று சொல்வது மிக மிக தவறு. இந்த மசோதாவில் அதைப்பற்றி சொல்லியிருக்கவேண்டிய அவசியமில்லை. எஞ்சியுள்ள சென்னை மாகாணம் கொடுக்கவேண்டும் என்று சொல்வது எஞ்சியுள்ள சென்னை ராஜ்யத்தின் துர்ப்பாக்கியம்தான். அத்துடன் தமிழர்களுடைய வோட்டுகளை வாங்கி வந்து கம்யூனிஸ்ட் மெம்பர்களும் தமிழ் நாட்டைக் காட்டிக்கொடுக்கும் முறையில் பேசுகிறார்கள்.”

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இதைக் காணும்போதுதான் என் மனம் அஞ்சுகிறது. இத்தகைய நிலைமையில் இது மட்டும் அல்ல இந்த நிலைமையில் பேசினால் ஆந்திராவில் கம்யூனிஸ்ட் ராஜ்யம் வந்துவிடும். எந்தக் காலத்தில் பங்கு டீபாட்டுக் கொள்ளலாம் என்று அவர்கள் நினைத்துக் கொண்டிருக்கிறார்கள். அவ்விதம் நினைத்துக் கொண்டிருப்பது மிகவும் கோழைத்தனம் என்று தான் நான் சொல்லுவேன். எஞ்சியுள்ள சென்னை ராஜ்ய மக்கள் தங்களுக்கு இந்த கம்யூனிஸ்ட்கள் துரோகம் செய்கிறார்கள் என்று நிச்சயமாகத் தெரிந்து கொண்டிருக்கிறார்கள் என்பதைத் தோழர்களுக்கு நான் தெரிவித்துக்கொள்ளுகிறேன். இந்த மசோதாவில் இரண்டு கோடி 30 லட்சம் ரூபாய் கொடுக்க வேண்டும் என்று சொல்வது சரியல்ல. அதை எஞ்சியுள்ள சென்னை மாகாணத்தலிருந்து கொடுக்கக்கூடாது. மத்திய அசாங்கத்தினடமிருந்து வாங்கக்கொள்ளட்டும், அதைப்பற்றி அக்கறை இல்லை. இந்தத் தீர்மானம் மிக மிக அவசியமானது. இந்த மசோதாவினுள்ள 12-வது பாரகிராப்பை எடுத்துவிட வேண்டும். இதை எல்லோரும் ஆதரிப்பார்கள் என்றே நினைக்கிறேன். இதை நிச்சயமாக ஆதரிக்கவேண்டும் என்று கேட்டுக்கொண்டு இந்தத் தீர்மானத்தை அனுமதித்துப் பேசுவதற்கு அனுமதி கொடுத்த கமைசபா நாயகர் அவர்களுக்கு என்னுடைய நன்றியை மறுபடியும் தெரிவித்துக்கொண்டு இத்துடன் முடித்துக் கொள்ளுகிறேன்.”

SRI S. DEIVASIGAMANY:—“ Mr. Speaker, Sir, I rise to support the amendment of hon. Member Sri K. T. Kosalram. We must understand that the buildings and other things which are situated in the City of Madras and the Residuary Madras State as a whole form part and parcel of the Residuary State. It is not fair on the part of the Andhras to ask for a compensation in respect of these buildings. If they want any compensation, it is just that they ask the Central Government to pay it. By this amendment, we only seek to assert our rights and any compensation for these buildings will not come in a graceful manner. Therefore I submit that this clause relating to compensation may be deleted and the rest of the Seventh Schedule may be accepted.”

* THE HON. SRI C. SUBRAMANIAM:—“ Sir, the question is a very simple one. As a matter of fact, the Seventh Schedule itself makes a distinction between the assets and liabilities and the buildings as such. If you will kindly refer to paragraph 12, you will find that a clear distinction has been made. This is what sub-paragraph (3) of paragraph 12 says:

‘For the purposes of the allocation under sub-paragraph (2) of this paragraph—(a) only expenditure on assets for which Capital accounts have been kept (excluding the Buckingham Canal and any buildings for which such accounts have been kept) shall be taken into account . . .’

“ Thus they have made a distinction with reference to the assets and liabilities and buildings have been completely excluded from them. That is why we have a separate provision with reference to buildings. So there is no use of simply saying that buildings also come under assets and liabilities and as we have already discussed assets and liabilities question, we should not discuss the question of buildings now. I say they are completely dissociated from each other. It is not as if they form the assets and liabilities. They are treated completely on a different footing. That is why the hon. Member Sri Hanumantha Rao was laying so much stress on his amendment No. 126. He said that assets and liabilities did not include so many other things which he has mentioned in his amendment. He knew well that assets and liabilities did not include

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everything. That is why he was laying great stress on this point and demanded Rs. 4 crores for the purpose of building the Andhra Capital. Even in apportioning liability, Public Debt, etc., these buildings are not taken into consideration at all. It is said separately that a sum of Rs. 230.4 lakhs has to be paid by the Residuary Madras State. Now we have got to decide whether it is proper to saddle the Residuary State to the extent of Rs. 230.4 lakhs in order to compensate the Andhra State for its relatively smaller share of buildings. We must note that only revenue yielding assets are taken into consideration for division and all other assets are not taken into account. Assets and liabilities have got a certain connotation. Buildings as such are not assets, because they are not revenue-yielding assets. For instance, take the Government Museum. It is not only not revenue-yielding, but it is a liability on us. We have to maintain that building. If you take the list of buildings, which they have taken into consideration, you will find that there are many buildings which are not even used for official purposes in the sense that offices are not located there. There are certain other institutions which are used not only by the Government, but all the citizens. Even outsiders and foreigners are entitled to use them. Thus they are common institutions. Whether any compensation in respect of the buildings used for these institutions has got to be paid or not is a moot point. That is why I say that this House should express an opinion on this moot point. Whoever be the authority—whether it is Parliament or some other independent authority—that goes into the question, must know the views of this Assembly on this question. Then only they can come to a proper decision on this point.

“We must now see how this figure of Rs. 230.4 lakhs was arrived at. We must consider this in the background of the Partition Committee's report which has dealt with this matter in an attitude of compromise. In an attitude of compromise, when there was a sum of Rs. 42 crores in the Revenue Reserve Fund at that time, considering the difficulties of the Andhras in putting up a Capital they said that out of this Rs. 42 crores one crore should be allotted to the Andhras before division. When one crore of rupees was allotted to the Andhra State before division, we have to consider the actual contribution of the Residuary State. Its liability is restricted. Instead of dividing this one crore of rupees between the Andhra State and the Residuary Madras State, it was agreed at that time that Rs. 66 lakhs, that is roughly two-thirds of the sum of Rs. 1 crore, which is the share of the Residuary Madras State, may also be given to the Andhra State. We must note that it was at the time of the Partition Committee when we had Rs. 42 crores in the Revenue Reserve Fund. But, what is the position now? We have spent the entire amount of Rs. 42 corers. Where and how we have spent that sum is a bit relevant in this connexion.

“If we take into account what has been spent out of the Revenue Reserve Fund and also the loans raised subsequent to 1946, we have spent not 36.25 per cent of these on the Andhra area to which they are entitled on the basis of population. The actual expenditure in Andhra area comes to about fifty per cent.

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Out of the money from the Reserve Fund, we have spent more money in the Andhra area. We have incurred a lot of public debt and on whom has this money been spent and in what ratio? So, Sir, even when we had 42 crores of rupees in the Revenue Reserve Fund, we promised to pay only 66 lakhs. Now we are asked to pay 230 lakhs. It is nearly four times more than what we agreed to then. Is it fair? Sir, it will be a little bit relevant to know how this 230 lakhs has been arrived at. I can understand if buildings which are now used for quartering offices in this State are taken into account, if at all we are liable to pay any compensation even in lieu of them. I have already said that it is a very wrong principle to ask for compensation in respect of buildings put up on a grand scale by the British companies and the British Government. For example, take the High Court buildings. We are asked to pay compensation for those buildings. Would we ever put up such costly things if we knew that at a future date, we would have to separate and, therefore, we would have to pay compensation? The British Government in their own interests—in the interests of British judges—wanted to have a comfortable building and so put up a building on that scale. So also, the Fort St. George and the Board of Revenue buildings. They were constructed on a grand scale on a par with British glory. They were intended to make the British officers comfortable and not for providing amenities to the people. So, now if we are asked to pay compensation in respect of not only residential buildings and buildings where our offices are housed but for every conceivable building in the Madras City, it is not fair. There is the Museum; there is the General Hospital. It is not as if they are revenue yielding buildings. The General Hospital does not bring in any revenue. We have to spend huge sums of money for the purpose of maintaining it and for running the hospital. It certainly does not benefit the Government, so to say, to the extent of a pie. Let us take the Partition Committee Report. At page 97, a large list of buildings is given which includes the Government Museum, Law College, Technology and Trade Schools, Government Hospitals for Women and Children, Government Ophthalmic Hospital, Veterinary College, Mental Hospital, Government Tuberculosis Hospital, Presidency College, Teachers' College, the new Engineering College, Guindy and every conceivable building. If we exclude all these buildings, the value of the remaining buildings where Government offices are housed, comes to 86 lakhs of rupees. Even if we double that figure as proposed by Justice Wanchoo it comes only to Rs. 172 lakhs. So granting that we are liable to pay compensation in respect of buildings, we may have to pay only Rs. 60 lakhs. Therefore, on what basis this 236 lakhs has been arrived at is a little bit strange to me. It is for the House to express an opinion on this question. I wanted merely to give out facts relating to the basis on which the figure of 230 lakhs has been worked out. It is most unfair to take all buildings in the City of Madras into account, assess their book value and then double it and claim one-third of it as compensation. I agree, Sir, that the Andhra State has to build its own capital. For that purpose, should the liability be saddled on the Residuary State? If a State is being formed,

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if the Government of India have taken a decision—(the Hon. Sri C. Rajagopalachari : ‘ At their instance and not at our instance ’)—yes, at the instance of Andhras and if that separation is considered vital and the Andhras have any claim, they have to make that claim on the Central Government. They must ask the Centre, ‘ give us some money for the purpose of putting up a capital in view of our poor financial position.’ That is a quite different question altogether. But to throw the liability on the residuary State to the tune of nearly 230 lakhs is unjust, inequitable and not warranted by any precedent at all. When Pakistan was formed, were costly buildings in Delhi taken into account for payment of compensation? Did they raise any point about buildings put up when the country remained one and undivided? No such point was made. So also, when Sind was separated from Bombay, did they ask for compensation in lieu of buildings in Bombay? After all, in Bombay there are much more costly buildings than in Madras. Then, when Orissa was separated was any compensation paid by the Madras State to the Orissa State? That being the case, to bring in a new principle when the Andhra State is formed, is, in my humble submission, unjust. We cannot afford to be saddled with such a huge liability when our financial resources are also not bright. Under these circumstances, Sir, I feel that the House must express an opinion on this matter.”

MR. SPEAKER :—“ I am going to put Mr. Rajam Ramaswami’s amendment to the vote of the House. The question is—

‘ In the Seventh Schedule, sub-paragraph (5) of paragraph 12 shall be deleted.’ ”

The amendment was put and carried, the non-Andhra Members who were present voting for the amendment.

THE HON. SRI C. SUBRAMANIAM :—“ In view of the importance of the issue, I would like to know how many have voted for the amendment.”

MR. SPEAKER :—“ You want a poll? I shall ask those who oppose the amendment to stand. We can know the number. Hon. Members who oppose the amendment will please stand in their places.”

[No one stood up.]

MR. SPEAKER :—“ No hon. Member opposes the amendment. All support it.”

THE HON. SRI C. SUBRAMANIAM :—“ Now that the Seventh Schedule is completed, shall we go back to clause 38 which refers to transfer of proceedings from the Madras High Court to the Andhra High Court? ”

MR. SPEAKER :—“ If there are no more amendments to the Seventh Schedule, we shall take up the Eighth Schedule first, finish the Schedules and then go back to clause 38 and other clauses left over.”

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SRI K. ADIKESAVALU NAIDU :—" Sir, I have got an amendment, Amendment No. 262. I move—

10-30
a.m.

' Add at the end the following paragraph :—

" (20) The areas in Chittoor district of the Andhra State now served by electricity produced from Mettur Electricity Project (Southern grid) shall be continued to be so served on the existing terms and conditions. Further, the Madras State should supply sufficient power from the Mettur Electricity Project to the Andhra State for all the schemes that are investigated and sanctioned but not executed before the appointed day." "

MR. SPEAKER :—" The motion falls through for want of a seconder. We will take up the Ninth Schedule. All members who have given notice of amendments are not here, and nobody is moving any of those amendments."

The discussion on the postponed clauses 38, 41 and 49 will now be taken up.

Clause 38.

THE HON. SRI C. SUBRAMANIAM :—" Sir, I have an agreed amendment to sub-clause (2) of clause 38. We may take that up with the members present in the House. I move—

' This House recommends that " sub-clauses (2) and (3) of clause 38 may be recast so as to give effect to the following propositions :—

- (1) Out of the appeals, applications for review, revision petitions, application for leave to appeal, writ petitions and other proceedings pending in the High Court of Madras, such appeals, applications for review, etc, as, in the opinion of the Chief Justice of Madras and the Chief Justice-designate of Andhra should, having regard to the place of accrual of the cause of action and other material factors, be heard and decided by the High Court of Andhra, shall, on the said Chief Justices passing an order to that effect, stand transferred to the High Court of Andhra. No such order may be made after the expiry of six months from the prescribed day.
- (2) The High Court of Madras shall, notwithstanding sub-section (1) of section 38, have, and the High Court of Andhra shall not have, jurisdiction to entertain appeals, applications for review, applications for leave to appeal, including leave to appeal to the Supreme Court and other proceedings seeking relief in respect of judgments, decrees and orders passed by the High Court before the prescribed day. Such proceedings may, after they are

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entertained, be included in the order or orders passed by the Chief Justice of Madras and the Chief Justice-designate of Andhra under paragraph (1) and shall accordingly stand transferred to the High Court of Andhra. No such order may be made after the expiry of six months from the prescribed day.'

"Sir, this is only with reference to transfer of pending cases from the Madras High Court to the Andhra High Court after the prescribed date. This is more or less an accepted formula."

SRI P. RANGASWAMI REDDIAR :—"Sir, I want to know whether the proposed amendment refers only to review, writ petitions and other petitions or to second appeals and first appeals also."

10-40
a.m.

* THE HON. SRI C. SUBRAMANIAM :—"Sir, proceedings pending in the High Court at Madras with reference to Andhra area shall be transferred to the Andhra High Court, taking into account the accrual of cause of action, etc. With reference to Letters Patent Appeals, because they are appeals against the judgment of the High Court itself, the Government of India Bill says these appeals should be disposed of by the same High Court. After all, only Judges of the Madras High Court are going to be there in the Andhra High Court also; then why not the Judges who are being transferred from the Madras High Court dispose of such appeals in the Andhra High Court? But after the prescribed day some appeals may have to be filed because of the recent judgments and orders and we have said that in respect of these the filing should be done in the Madras High Court and they will be transferred to the Andhra High Court if they concern only the Andhra State."

MR. SPEAKER :—"The question is—

'This House recommends that "sub-clauses (2) and (3) of clause 38" may be recast so as to give effect to the following propositions : (1) Out of the appeals, applications for review, revision petitions, applications for leave to appeal, writ petitions and other proceedings pending in the High Court of Madras, such appeals, applications for review, etc., as in the opinion of the Chief Justice of Madras and the Chief Justice-designate of Andhra should, having regard to the place of accrual of the cause of action and other material factors, be heard and decided by the High Court of Andhra, shall, on the said Chief Justices passing an order to that effect, stand transferred to the High Court of Andhra. No such order may be made after the expiry of six months from the prescribed day.

(2) The High Court of Madras shall, notwithstanding sub-section (1) of section 38, have, and the High Court of Andhra shall not have jurisdiction to entertain appeals, applications for review, applications for leave to appeal, including leave to appeal to the Supreme Court and other proceedings seeking relief in respect of

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judgments, decrees and orders passed by the High Court before the prescribed day. Such proceedings may, after they are entertained, be included in the order or orders passed by the Chief Justice of Madras and the Chief Justice-designate of Andhra under paragraph (1) and shall accordingly stand transferred to the High Court of Andhra. No such order may be made after the expiry of six months from the prescribed day.' "

The amendment was put and carried, the non-Andhra Members who were present voting for it.

Clause 41.

THE HON. SRI C. SUBRAMANIAM :—" Sir, this is an amendment in respect of the transferred territory of Bellary district. I move—

' This House recommends that " sub-clauses (1) to (3) of clause 41 " may be recast so as to give effect to the following proposals :—

- (1) The jurisdiction of the High Court of Mysore shall extend in the whole of the transferred territory with effect from the appointed day, and subject to propositions 2 and 3 below, the jurisdiction of the High Court of Madras shall cease on that day in relation to the transferred territory.
- (2) Out of the appeals, applications for review, revision petitions, writ petitions and other proceedings pending in the High Court of Madras, the Chief Justice of Madras shall prepare lists from time to time of appeals, etc., which, having regard to the place of accrual of the cause of action and other material factors, should, by reason of the transfer to the State of Mysore of the territory specified in sub-section (1) of section 4, be heard and decided by the High Court of Mysore. The Chief Justice of India shall order the transfer of appeals, etc., included in the said lists to the High Court of Mysore. No such transfers shall be made after the expiry of six months from the appointed day.
- (3) Notwithstanding paragraph (1) above, the High Court of Madras shall have, and the High Court of Mysore shall not have, jurisdiction to entertain appeals, applications for review, applications for leave to appeal and other proceedings seeking relief in respect of judgments, decrees and orders passed by the High Court of Madras before the appointed day. Such appeals, etc., may, after they are entertained, be transferred by the Chief Justice of India in exercise of power stated above before the expiry of six months from the appointed day.
- (4) Judgments, decrees, etc., passed by the High Court of Madras in relation to the transferred territory at any time before the expiry of six months from the appointed day shall have effect as judgments, decrees, etc., passed also by the High Court of Mysore.

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(5) *The existing explanation to the section should be omitted.*

Sir, this is with reference to the transferred territory of Bellary district. With reference to the transferred territory, the Mysore High Court gets jurisdiction even on the appointed day instead of on the prescribed day in the case of the Andhra High Court."

* SRI P. RANGASWAMI REDDIAR :—" Sir, in the case of Mysore, are we to understand that the Madras High Court has power to deal with appeals till the expiry of six months after the appointed day? In the case of filing new appeals against judgments made by the Madras High Court immediately prior to the appointed day, should they be filed in the Mysore High Court or in the Madras High Court? In respect of writ applications and other revision petitions, are they automatically transferred on the appointed day or should they be transferred by the Chief Justice or any authority concerned after the appointed day within six months? "

* THE HON. SRI C. SUBRAMANIAM :—" Six months is only the period within which the order should be passed so that it may not go on indefinitely. But, in practice, as Mysore has got a ready made High Court functioning even before the appointed day, we say that all these appeals, etc., pending will be kept ready and transferred to the Mysore High Court on the appointed day or soon after that by an order of the Chief Justice of India. But some judgments might have been delivered just before the appointed day with reference to which appeals, or review petitions or petitions for leave to appeal, have to be made. In all these cases, we are laying down that, because they relate to the judgments of the Madras High Court, they will again be scrutinized whether they can be disposed of by the Madras High Court or sent to the Mysore High Court. In the case of review petitions, the rule is that the judge who gives the judgment should hear the review petition. So, even though it may be a matter relating to purely transferred territory, it may be decided that the review petition should be disposed of by the Madras High Court. Therefore, Sir, in respect of appeals, revision petitions, etc., entertained after the appointed day, they will be gone into and orders passed whether they should be transferred to the Mysore High Court or retained in the Madras High Court."

* SRI P. RANGASWAMI REDDIAR :—" Sir, just now I heard the Hon. Finance Minister saying that after the appointed day the Madras High Court shall cease to have jurisdiction and the Mysore High Court shall have jurisdiction over all these matters. On and from the appointed day the Madras High Court becomes *functus officio* and I want to know how the Madras High Court can deal with revision petitions, etc."

* THE HON. SRI C. SUBRAMANIAM :—" The Madras High Court becomes *functus officio* only in respect of cases which are pending and have been transferred. But in the case of an appeal

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which has been disposed of, it is not pending if it is re-opened by a review petition or by another appeal in which case it shall not go to the other High Court because this re-opening by way of appeal or revision petition or leave to appeal to the Supreme Court, can be done only in the Madras High Court. Therefore, these cases will be again scrutinized whether they should be transferred to the Mysore High Court or retained in the Madras High Court."

MR. SPEAKER :—" The question is—

' This House recommends that " sub-clauses (1) to (3) of clause 41 " may be recast so as to give effect to the following proposals :—

(1) The jurisdiction of the High Court of Mysore shall extend in the whole of the transferred territory with effect from the appointed day, and subject to propositions 2 and 3 below, the jurisdiction of the High Court of Madras shall cease on that day in relation to the transferred territory.

(2) Out of the appeals, applications for review, revision petitions, writ petitions and other proceedings pending in the High Court of Madras, the Chief Justice of Madras shall prepare lists from time to time of appeals, etc., which, having regard to the place of accrual of the cause of action and other material factors, should, by reason of the transfer to the State of Mysore of the territory specified in sub-section (1) of section 4, be heard and decided by the High Court of Mysore. The Chief Justice of India shall order the transfer of appeals, etc., included in the said lists to the High Court of Mysore. No such transfers shall be made after the expiry of six months from the appointed day.

(3) Notwithstanding paragraph (1) above, the High Court of Madras shall have, and the High Court of Mysore shall not have, jurisdiction to entertain appeals, applications for review, applications for leave to appeal and other proceedings seeking relief in respect of judgments, decrees and orders passed by the High Court of Madras before the appointed day. Such appeals, etc., may, after they are entertained, be transferred by the Chief Justice of India in exercise of power stated above before the expiry of six months from the appointed day.

(4) Judgments, decrees, etc., passed by the High Court of Madras in relation to the transferred territory at any time before the expiry of six months from the appointed day shall have effect as judgments, decrees, etc., passed also by the High Court of Mysore.

(5) The existing Explanation to the section should be omitted."

The amendment was put and carried, the non-Andhra Members who were present voting for it.

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Clause 49.

10-50 THE HON. SRI C. SUBRAMANIAM :—" Mr. Speaker, for the
a.m. benefit of hon. Members I shall read what this clause says: It is as follows :—

'The provisions of sections 46, 47, 48 and 54 and the Seventh Schedule shall have effect subject to any agreement between the States concerned and shall be deemed to have been modified in accordance with such agreement:

Provided that every such agreement if it affects the rights or liabilities of any person other than Government shall be published in the Official Gazette of the States concerned.'

This clause is not necessary. After moving for its deletion, I shall explain. Sir, I now move—

'That clause 49 be deleted.'

MR. SPEAKER :—" Motion moved—

'That clause 49 be deleted.'

* THE HON. SRI C. SUBRAMANIAM :—" I have moved for the deletion of the clause because I think that it will lead to a lot of difficulties and there will be no finality to matters. According to clause 49 it is open to anybody to say 'Let us re-open this case. Let us discuss this matter'. In reality that particular matter would have been already disposed of. But still it would be persisted and if this clause is there, it gives room for any Government to do so. For instance we have provided and the House had given a verdict that for all matters connected with the division of assets and liabilities, an Expert Commission may be appointed. Even after the Expert Commission has finished its enquiry and supposing say, it says that Andhra shall bear this much liability and Madras shall bear this much, some from the Andhra side may butt in and say, in view of the power given under this clause, 'No, no. We cannot bear this much of liability. Let us discuss that matter in detail again'. That is how even settled matters would be re-opened. There will be no finality. That is why I have moved for its deletion."

MR. SPEAKER :—" The question is—

'That clause 49 be deleted.'

The amendment was put and carried, the non-Andhra Members who were present voting for it.

THE HON. SRI C. SUBRAMANIAM :—" I shall now move certain new clauses to be added after clause 49—

New clauses after clause 49.

THE HON. SRI C. SUBRAMANIAM :—" Sir, I move—

'The following clauses should be added as separate clauses at the end of Part V of the Bill :—

"(i) Expenditure in respect of any liability as between the States of Madras, Andhra and Mysore arising under or by reason of any provision of this Act or of any order made thereunder shall be expenditure charged on the Consolidated Fund of the State of Madras or the State of Andhra or the State of Mysore, as the case may be."

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“(ii) If immediately before the appointed day, the State of Madras is liable as guarantor in respect of any liability of a co-operative society which is registered under the Madras Co-operative Societies Act (Madras Act VI of 1932) and whose area of operations is limited to the whole or part of the territory specified in sub-section (1) of section (3) of this Act, then, as from the appointed day, the said liability of the State of Madras shall cease, and the State of Andhra shall be liable as guarantor in respect of the said liability of the said society, and expenditure in respect of such liability of the State of Andhra shall be expenditure charged on the Consolidated Fund of the State.”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, inasmuch as the two amendments require some explanation, I shall take a few minutes. We have provided previously in the Bill that the liabilities outstanding against us in the residuary area shall be borne by us and those outstanding against the Andhra area shall be borne by them. Suppose we have got to pay up to two crores of rupees for Andhra, say . . . ”

SRI P. RANGASWAMI REDDIAR :—“ May I know what is the alternative suggested by the Government for clause 49, in view of the fact that the same had been deleted now? ”

* THE HON. SRI C. SUBRAMANIAM :—“ I forgot to mention one particular point while moving for the deletion of clause 49. I would invite the attention of the hon. Member to paragraph 19 of the Seventh Schedule. It says—

‘ That the benefit or burden of any assets or liabilities not dealt with in the foregoing paragraphs or in section 47 or section 48 shall be apportioned between the State of Madras and the States of Andhra and Mysore in such manner as the President may by order direct.’

So, in respect of all other matters not specifically covered in the Bill in respect of division of assets and liabilities between Andhra, Madras and Mysore, the President shall have the final say. He will apportion the assets and liabilities by his order. So far as the principle of division of assets and liabilities is concerned the House had already given its verdict saying that an Expert Commission will be appointed to go into all the questions concerning the division of assets and liabilities. The Expert Commission will cover all points covered in the various clauses of the Seventh Schedule. So we see in either case either the President or the Expert Commission is there to decide. Then, where is the need for clause 49 which only tries to re-open settled issues and create bitterness? That is why I moved for its deletion.

“ I shall now explain further why I have moved the two amendments which will stand as new clauses. Let us take the case (I am taking a hypothetical issue) wherein we have got to pay Rs. 2 crores, say to Andhra. How are we to pay it? We have to pay it only from the Consolidated Fund of the residuary State. Similarly suppose Andhra has got to pay Rs. 2 crores to us. It has to pay only from the Consolidated Fund of Andhra. But can we

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withdraw any amount from the Consolidated Fund? The express permission of the Legislature has got to be obtained. It is perfectly open for the Legislature to either accept or reject the demand. The Andhra Legislature may say : ' No, no, we cannot accept this liability under a particular head. So we reject this demand.' Then how could the residuary State be paid? Of course there are certain items which could be paid directly out of the Consolidated Fund without taking a vote of the concerned Legislature. For instance, salaries of High Court Judges, charges payable to the Public Service Commission, the charges the Government has got to pay as interest on public debts—for all these items a vote of the Legislature and an appropriation law is not necessary. But suppose a contingency arises wherein the Andhra Legislature refuses to discharge its liability to the residuary State after division. What are we to do? That is why this amendment becomes necessary. The first amendment says—

' (1) Expenditure in respect of any liability as between the States of Andhra, Madras and Mysore, arising under or by reason of any provision of this Act or of any order made thereunder, shall be expenditure charged on the Consolidated Fund of the State of Madras or the State of Andhra or the State of Mysore as the case may be.'

" I shall now explain the need for the second amendment I have moved.

" We have the Land Mortgage Bank in our State. We have the Central Land Mortgage Bank here in Madras. We have also the State Co-operative Bank. These institutions are common institutions. They have lent money to the tune of several crores throughout the State to agriculturists. Of course, they have taken mortgages of properties for the money they had lent. On the security of these mortgages, debentures have been raised. It is only the debenture money that has been distributed as loan. These debentures are granted by the State. What is to happen when this State is divided into two units, Andhra and Madras? Under the Co-operative Societies Act and the Land Mortgage Banks Act, the Registrar of Co-operative Societies has been given sufficient powers to recover the loans. He need not go to a court of law, obtain a decree and then execute it. The Registrar can straight-away bring the property to sale. After separation, there will be a separate Registrar of Co-operative Societies for Andhra. The jurisdiction of the present Registrar will not extend to Andhra. Then how is he to recover the loans granted to all those in the Andhra area before separation, inasmuch as his jurisdiction may not extend to Andhra? He himself cannot go, execute a decree and recover the loans in Andhra. That is why this second amendment has been inserted. By this amendment a provision is made by which in respect of all liabilities pertaining to Andhra for which the State of Madras has stood as guarantor, that State shall from the appointed day cease to be the guarantor and the State of Andhra shall begin to function as the guarantor. The liability of the State of Madras shall cease from the appointed day and the same shall be borne by the State of Andhra. Similar is the case with reference to State Co-operative Banks. The guarantees with respect to Andhra shall become the sole concern of the State of

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Andhra from the appointed day. The State of Madras shall function as the guarantor only in respect of liabilities pertaining to the residuary Madras State.

"So, even in respect of those things, that is, in respect of moneys which are solely to be within the Andhra area that guarantee should be taken over by the Andhra Government as such, the residuary State being responsible for the other share. That is No. (ii). Therefore, we are making a provision that the liability shall be treated as expenditure charged on the Consolidated Fund of the State. These are the only two provisions which we have to make."

11-0
a.m.

Mr. SPEAKER :—"The question is—

'The following clauses should be added as separate clauses at the end of Part V of the Bill:—

"(i) Expenditure in respect of any liability as between the States of Madras, Andhra and Mysore, arising under or by reason of any provision of this Act or of any order made thereunder, shall be expenditure charged on the Consolidated Fund of the State of Madras or the State of Andhra or the State of Mysore, as the case may be.

(ii) If, immediately before the appointed day, the State of Madras is liable as guarantor in respect of any liability of a co-operative society which is registered under the Madras Co-operative Societies Act (Madras Act VI of 1932) and whose area of operations is limited to the whole or part of the territory specified in sub-section (1) of section 3 of this Act, then, as from the appointed day, the said liability of the State of Madras shall cease, and the State of Andhra shall be liable as guarantor in respect of the said liability of the said society, and expenditure in respect of such liability of the State of Andhra shall be expenditure charged on the Consolidated Fund of the State."

The amendment was put and carried, the non-Andhra Members who were present voting for it.

* THE HON. SRI C. SUBRAMANIAM :—"With reference to the list of Scheduled and Backward Classes, I promised to examine and find out whether one item was in the list and whether it had been wrongly omitted. I have verified and found that it is not in the list. It is not open to us now to include or exclude any community in the list of Scheduled Castes and Scheduled Tribes."

* SRI P. RANGASWAMI REDDIAR :—"One of the Backward Classes 'Reddi (Ganjam)', as found from the list maintained by our Government under rule 92 of the Madras Educational Rules, was for a very long time enjoying educational concessions. This community has been removed from the list. I would like to know whether these communities were removed under the advice of our Government at the time of drafting this Bill."

* THE HON. SRI C. RAJAGOPALACHARI :—"There was a reference made to this subject the other day but without giving the name of any particular community. To-day the hon. Member gives

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the name of some particular sub-community. I presume the hon. Member does not mean that all Reddis should be classified as backward, but that some particular class called 'Reddi' but having another name also to specify should be so classified. If the matter is given to us specifically, I shall look into the matter."

* SRI P. RANGASWAMI REDDIAR :—" I wanted to bring to the notice of the Government one instance of removal of a backward community. But another hon. Member has complained about some other communities. We are not anxious that as many communities as possible should be included. But once they were included and were enjoying the concessions, I would like to know the special reasons for their removal."

THE HON. SRI C. SUBRAMANIAM :—" Sir, I am afraid that we cannot go into this matter when we are discussing the Bill. If any particular community has been removed wrongly, the matter has to be raised elsewhere. A Commission has been appointed to go into the question of Backward Classes. I do not think it is possible now to say why it has been removed."

* SRI A. RATHINAM :—" கனம் சபாநாயகர் அவர்களே, இந்தத் தமிழ் நாட்டிலே சேலம் ஜில்லா, கோயமுத்தூர் ஜில்லா, திருச்சி ஜில்லாவில் ஒரு பகுதி, மதுரை ஜில்லாவில் ஒரு பகுதி ஆகிய இந்த இடங்களில் கொங்கு வாடான் என்ற ஒரு ஜாதிகாரர்கள் இருக்கிறார்கள். அவர்கள் கல்லியில் மிகவும் பிற்போக்கான நிலையில் இருக்கிறார்கள். அதுமட்டுமல்லாமல் மற்ற எந்தத் துறையிலும் பிற்போக்கான நிலையிலேயே இருந்துகொண்டிருக்கிறார்கள். அவர்களையும் பிற்போக்கு இனத்தவர்களின் ஜாதி தாவில் சேர்க்க முடியுமா ? "

MR. SPEAKER :—" அதற்காக ஒரு தனி கமிஷன் போட்டிருக்கிறார்கள். அதனிடம் நீங்கள் உங்கள் யோசனையைச் சொல்லுங்கள். பல கேள்விகள் நிறைந்த தான் அனுப்பப்பட்டிருக்கிறது."

SRI A. RATHINAM :—" எனக்கும் அந்தத் தான் வருமா ? "

MR. SPEAKER :—" எல்லா எம்.எல்.ஏ.-க்களுக்கும் அனுப்பப்பட்டிருக்கிறது."

Clauses 2 and 1 and the Long Title.

Clauses 2, 1 and the Long Title were put and carried.

THE HON. SRI C. SUBRAMANIAM :—" There are certain amendments which do not relate to any specific provisions in the Bill but are of a general nature like the amendment relating to the Andhra University Act. The hon. Members who walked out may be called in formally."

MR. SPEAKER :—" I have sent word to them."

THE HON. SRI C. RAJAGOPALACHARI :—" I beg to move—

'That the proposed Andhra State Bill, 1953, having been considered fully and approved, this House is of the view that the Bill should be amended on the lines indicated in the opinions and resolutions approved by the House.'"

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MR. SPEAKER :—" The question is—

' That the proposed Andhra State Bill, 1953, having been considered fully and approved, this House is of the view that the Bill should be amended on the lines indicated in the opinions and resolutions approved by the House.' "

The motion was put and carried, the non-Andhra Members who were present voting for it.

V.—NON-OFFICIAL BUSINESS.

MR. SPEAKER :—" We shall now take up non-official business."

THE HON. SRI C. RAJAGOPALACHARI :—" I wish to state that in the situation that has arisen rather by surprise, I do not think it will be proper for me to take up the discussion of the Modified Elementary Education Scheme at this stage when so many hon. Members are absent."

A. Bills.

(1) THE MADRAS PROHIBITION (AMENDMENT) BILL, 1953.

SRI V. GOPALA GOUNDER :—" Mr. Speaker, Sir, I beg to move for leave to introduce the Madras Prohibition (Amendment) Bill, 1953." 11-10 a.m.

MR. SPEAKER :—" I shall read the relevant rules—

' 76. (1) If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from a member who opposes the motion, may, without further debate, put the question thereon.

(2) If such a motion is agreed to, the Bill shall be deemed to have been introduced.

77. As soon as may be after leave to introduce a Bill has been granted, the Bill shall be published in the Gazette.' "

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, I understand the object of the Bill. But I think that the shape is misconceived. The object is to make a change in the Criminal Procedure Code in respect of prosecutions under the Prohibition Act. Under the Criminal Procedure Code, statements of certain kinds are not admissible as evidence such as statements made in confession. The hon. Member wants to introduce a provision in the law under which statements of a different class of people also should not be taken as admissible in cases of prosecution under the Prohibition Act. I think the object in view can be achieved only by an amendment of the Criminal Procedure Code. After explaining this, I leave the matter at that. The hon. Member may take advice and do whatever he likes.

" I have no objection to the introduction of the Bill."